

Assembly Bill No. 168

CHAPTER 36

An act to amend, repeal, and add Section 47612 of the Education Code, relating to charter schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 9, 2002. Filed with
Secretary of State May 10, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 168, Nation. Charter schools: funding.

Existing law requires the Controller, commencing with the 1999–2000 fiscal year, to transfer from the General Fund to Section A of the State School Fund, a continuously appropriated fund, amounts necessary to meet computed apportionments of general-purpose funding for charter schools, as specified. These provisions become inoperative on July 1, 2002, and are repealed on January 1, 2003.

This bill would, until July 1, 2004, specify that a charter school shall be treated as a school district for purposes of the State School Fund.

By extending appropriations through the 2003–04 fiscal year, the bill would thereby make an appropriation.

The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 47612 of the Education Code is amended to read:

47612. (a) A charter school shall be deemed to be under the exclusive control of the officers of the public schools for purposes of Section 8 of Article IX of the California Constitution, with regard to the appropriation of public moneys to be apportioned to any charter school, including, but not limited to, appropriations made for the purposes of this chapter.

(b) The average daily attendance in a charter school may not, in any event, be generated by a pupil who is not a California resident. To remain eligible for generating charter school apportionments, a pupil over 19 years of age shall be continuously enrolled in public school and make satisfactory progress towards award of a high school diploma. The State

Board of Education shall, on or before January 1, 2000, adopt regulations defining “satisfactory progress.”

(c) A charter school shall be deemed to be a “school district” for purposes of Article 1 (commencing with Section 14000) of Chapter 1 of Part 9, Section 41301, Section 41302.5, Article 10 (commencing with Section 41850) of Part 24, Section 47638, and Sections 8 and 8.5 of Article XVI of the California Constitution.

(d) This section shall become inoperative on July 1, 2004, and, as of January 1, 2005, is repealed, unless a later enacted statute that is enacted before January 1, 2005, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 47612 is added to the Education Code, to read:

47612. (a) A charter school shall be deemed to be under the exclusive control of the officers of the public schools for purposes of Section 8 of Article IX of the California Constitution, with regard to the appropriation of public moneys to be apportioned to any charter school, including, but not limited to, appropriations made for the purposes of this chapter.

(b) The average daily attendance in a charter school may not, in any event, be generated by a pupil who is not a California resident. To remain eligible for generating charter school apportionments, a pupil over 19 years of age shall be continuously enrolled in public school and make satisfactory progress towards award of a high school diploma. The State Board of Education shall, on or before January 1, 2000, adopt regulations defining “satisfactory progress.”

(c) A charter school shall be deemed to be a “school district” for purposes of Section 41302.5, Article 10 (commencing with Section 41850) of Part 24, Section 47638, and Sections 8 and 8.5 of Article XVI of the California Constitution.

(d) This section shall become operative on July 1, 2004.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure the ongoing funding mechanism for charter schools that is otherwise due to expire and would thereby jeopardize the education of pupils attending charter schools, it is necessary that this act take effect immediately.

